

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO.: 4:21-CV-81

STEVEN C. FUCHS,
Plaintiff,

v.

CITY OF WASHINGTON,
Defendant.

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF NORTH CAROLINA:

The Defendant, City of Washington (the “City”), for the purpose of removal of this action to the United States District Court, Eastern District of North Carolina, respectfully shows the Court as follows:

1. On the 5th day of May, 2021, this action was commenced in the Superior Court of Beaufort County, North Carolina. Upon information and belief, the summons and complaint were served via UPS delivery upon Defendant City of Washington and received on May 12, 2021. This notice is filed within thirty (30) days after receipt by the Defendant of copies of such summons and complaint. Defendant attaches hereto as Exhibit 1 a true and authentic copy of the summons, complaint and coversheet served upon it. No further proceedings have been had herein.
2. Plaintiff in the above-described action claims relief arising under the Fifth and Fourteenth Amendments to the United States Constitution and under 42 U.S.C. § 1983.
3. The above-described action is a civil action of which this court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and is one which may be removed to this court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy is founded upon claims arising under the Constitution and laws of the United States.
4. As required by 28 U.S.C. § 1446(d), Notice of Filing of this removal is being promptly

served contemporaneously herewith on the plaintiff by and through their counsel of record and filed with the Clerk of Superior Court of Beaufort County, North Carolina. A copy of the Notice of Filing is attached hereto as Exhibit 2.

WHEREFORE, Defendant hereby removes this case from the General Court of Justice, Superior Court Division of Beaufort County, North Carolina to this Court.

This 9th day of June, 2021.

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

By: /s/ Benjamin M. Gallop
Benjamin M. Gallop
N.C. State Bar No. 33932
2502 S. Croatan Hwy.
Nags Head, NC 27959
E-Mail: bmgallop@hrem.com
Telephone No.: (252) 441-0871
Facsimile No.: (252)441-8822
Counsel for Defendant, City of Washington

CERTIFICATE OF SERVICE

This is to certify that I have this day served this **NOTICE OF REMOVAL** on all other parties to this action through the Court's electronic filing system or via U.S. Mail as indicated below:

By U.S. Mail to the following:

Wesley A. Collins
NC Bar No.: 29156
1107 Bridges Street
Morehead City, NC 28557
Email: wcollins@harvellandcollins.com
Telephone No.: (252) 726-9050
Facsimile No.: (252) 727-0055
Attorney for Plaintiff

This the 9th day of June, 2021.

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

/s/Benjamin M. Gallop
Of Counsel for Defendant, City of Washington